

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AR-RAHEEM WILLIAMS,

Petitioner,

ORDER

- against -

E.R. DONNELLY, Superintendent
Wende Correctional Facility,

Civil Action No.
CV-00-4445 (DGT)
CV-00-4447 (DGT)
CV-00-4448 (DGT)

Respondent.

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TRAGER, J.

On July 31, 2000, pro se petitioner filed the above-captioned cases seeking writs of habeas corpus for alleged constitutional violations stemming from his state court convictions for Murder in the Second Degree of Ramon Rodriguez; Murder in the Second Degree, Robbery in the First Degree and Robbery in the Second Degree of Mariano Fernandez; and Murder in the Second Degree, Attempted Robbery in the First Degree and Criminal Possession of a Weapon in the Second Degree of Nandahlal Ramsaran. The petitions were referred to United States Magistrate Judge Roanne L. Mann for a Report and Recommendation. After the petitions were referred to Judge Mann, petitioner obtained counsel, who appeared on his behalf.

On April 12, 2005, Judge Mann issued a Report and Recommendation recommending that petitioner be permitted to amend his petitions and that, as amended, all three petitions be denied and that the cases be dismissed. Petitioner's counsel was served with the Report and Recommendation both by the court's electronic

case filing system and by overnight delivery, and petitioner was served by mail. Petitioner was given until April 27, 2005 to file objections, but his counsel did not file any objections to the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. However, on April 15, 2005, petitioner addressed the court pro se, requesting an extension of time until June 27, 2005 to file objections to the Report and Recommendation, citing difficulties obtaining access to the law library and delays in receiving necessary documentation. The court granted petitioner until July 1, 2005 to file his objections. However, no objection to the Report and Recommendation was filed with the court as of July 1, 2005. On July 20, 2005, petitioner requested a further extension of time, again citing difficulties in accessing the law library and obtaining documents. Petitioner's second request for extension of time is untimely, and his vague allegations regarding access to the law library and documents are insufficient to postpone resolution of these cases that have been pending for a substantial length of time. Accordingly, petitioner's second request for extension of time is denied.

After an independent review of the record and the thorough and detailed Report and Recommendation, the court agrees with Judge Mann's Report and Recommendation. Accordingly, it is hereby

ORDERED that the Court adopts the Report and Recommendation and petitioner's applications for writs of habeas corpus are dismissed. Further, certificates of appealability shall not issue because petitioner has not demonstrated a substantial showing of a constitutional violation. See 28 U.S.C. §2253(c)(2). The Clerk of the Court is directed to enter judgment and close the cases.

Dated: Brooklyn, New York
September 16, 2005

SO ORDERED:

/s/

David G. Trager
United States District Judge

SENT TO:

Hon. Roanne L. Mann
United States Magistrate Judge

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